

SHD Paraphrased Regulations - CalWORKs

030 Special Programs

036-1

Current CalWORKs recipients, including: (1) those who are temporarily ineligible for a cash grant for a period not longer than one month and (2) those who are penalized or sanctioned, are eligible for Stage One child care when:

- .211 The client is working; and/or
- .212 The client is participating in a county-approved WtW activity; or
- .213 The client is participating in another county-approved activity, such as job search and assessment or participating as a volunteer.

AND

- .22 There is no parent, legal guardian, or AU member, living in the home, who can provide the care.

(§§47-220.1, .2, .3)

036-2 REVISED 10/04

For purposes of the child care program, "client" means an applicant for or recipient of CalWORKs cash assistance, a former CalWORKs client, a recipient of diversion payments or services, or a Cal-Learn teen, who receives or is eligible to receive child care through the CalWORKs child care program. (§47-110(c)(4))

"Former CalWORKs client" means an individual who received cash aid under CalWORKs in the prior 24 months and needs child care to continue his or her employment or fulfill his or her county-approved program activity. (47-110(f)(3))

036-3

In order to be eligible for Stage One child care services, the child must be a member of the AU, or excluded from the AU because of receipt of foster care or SSI/SSP; the child of a Cal-Learn participant; a member of a family with a former CalWORKs client who has become employed; or, at county option, a child who is not in the AU, but without child care the client could not participate in approved CalWORKs or Cal-Learn activities or employment. (§47-201)

In general, the child must be 10 years of age or younger. The child may be age 11 or older (but not older than 19) if the child is physically or mentally incapable of caring for himself/herself (based on documentation from a physician, licensed or certified psychologist, or receipt of SSI/SSP) or under court supervision as specified in W&IC §§601 and 602. (§47-201.2) The child who is 11 or 12 years of age, and not otherwise eligible, may be eligible for Stage One services to the extent funds are available. (§47-201.3)

036-4

In the child care program, an "overpayment" means payments for child care services in excess of the amount which either the client or the child care provider is eligible to receive. (§47-110(o)(1))

SHD Paraphrased Regulations - CalWORKs

030 Special Programs

036-4A

The county shall take steps to promptly correct any overpayment for child care services if it determines that collection is administratively cost effective. (§47-440.1, .11)

There shall be no offset of these overpayments against the CalWORKs grant without the agreement of the recipient. (§47-440.12)

When payments are made to the child care provider for child care "during a period when the client was not eligible for child care because the client was not participating in county-required activities, the client is responsible for the erroneous payment." (§47-440.13) When the child care provider is paid for child care services which were not provided, the child care provider is responsible for the overpayment. (§47-440.14)

036-4B

In general, the county shall issue child-care payments on behalf of the client directly to the child care provider. (§47-420.1, as revised effective August 9, 1999)

However, child-care payments may be made directly to the client, as the employer, if child care is provided in the client's home. In that case, the county shall inform the client of the client's legal and financial reporting requirements. (§47-420.2)

036-4C ADDED 10/04

Examples of a child care overpayment are:

- Child care subsidies for child care services received after the date a recipient ceased working or participating in a work activity.
- Child care subsidies paid in error to a provider after informing the provider that subsidies have been terminated.
- Situations in which fraud exists and the provider or recipient is not eligible to receive the payment.
- Subsidies received while the parent was ineligible for cash aid and the parent does not qualify as a former recipient.
- Providers collecting flat fees for unfilled, not contracted by county, child care slots.
- Recipient ceases work activities but continues to receive child care and, due to administrative error, the county does not discontinue child care or send a notice of action.

(All County Letter 00-53. August 29, 2000)

036-4D ADDED 10/04

Examples where there is no child care overpayment are:

- Child care payments to relatives such as a grandparent, aunt, uncle, adult brother or sister.
- Child care payments for care during temporary absences of the provider when someone else provides care.
- Subsidies received by a sanctioned parent who is working.
- Subsidies made to a provider during the allowable absence of a parent from WTW activities (e.g., to go to court or a medical appointment).

SHD Paraphrased Regulations - CalWORKs

030 Special Programs

(All County Letter 00-53. August 29, 2000)

036-5

"Underpayment" means payments for child care services that are less than the amount which either the client or the child care provider is eligible to receive. (§47-110(u)(1)) The county shall take steps to promptly correct any child care service underpayment. (§47-440.1)

036-6

The county shall pay for child care on behalf of a client when a client is participating in county-approved activities, when the client is working, or when the client commutes. (§§47-401.41-.43)

At county option, it shall pay for child care when a child is ill and requires care from a different child care provider, or when care is necessary for other required activities. (§§47-401.44, .45)

The county shall not pay for child care during the time the child is attending school, or when the child is receiving care in other subsidized child care programs and the child is not ill. (§47-401.5)

036-7

"Family fee" means the amount, if any, that the client is required to pay towards child care costs, based on the fee schedule established by the State, and set forth in §47-401.8. (§47-110(f)(1))

For purposes of calculating the amount of the family fee, determine family income under §§47-230.21-47-230.211(c)(5). Determine family size under §§47-230.22-47-230.232. These regulations are based on Education Code §8263. (§47-240.1)

036-8 ADDED 6/04

Payments for child care services shall not be made for services provided more than 30 calendar days prior to the applicant's/recipient's request for child care if the applicant/recipient case file contains copy of the informing notice signed by the applicant/recipient within the last year or a notation that applicant/recipient refused to sign and/or return the informing notice within the last year.

The limit on retroactive payments shall not apply to retroactive payment claims submitted by the applicant/recipient prior to the date he or she first signed or refused to sign and/or return an informing notice. (§47-430.2)

036-8A ADDED 6/04

Section 47-430 (regarding retroactive child care) shall apply to former CalWORKs clients who receive Stage One child care. (§47-430.3)

036-8B ADDED 6/04

The county shall provide the applicant/recipient with an informing notice that informs the individual of the availability of Stage One child care. The informing notice shall be provided each time the applicant/recipient applies for CalWORKs, at each annual redetermination, and each time the individual signs an original or amended WtW plan.

SHD Paraphrased Regulations - CalWORKs

030 Special Programs

(§§47-301.2 and .23)

036-8C ADDED 6/04

The informing notice for Stage One child care shall contain information that includes among other information the following:

A statement that the applicant/recipient is eligible for CalWORKs Stage One child care while he/she works or participates in Welfare to Work activities, including participating as a volunteer, to the extent that he/she meets the eligibility criteria;

A statement that child care payments in CalWORKs Stage One shall not be made for services provided more than 30 calendar days prior to the applicant's/recipient's request for child care and that the applicant/recipient is responsible for any child care services received prior to this period;

A statement that in order to receive paid child care, the applicant/recipient shall provide information specified in §§47-320 and 47-260 to the worker within 30 calendar days. If the applicant/recipient and/or child care provider do not provide the required information within 30 calendar days, the child care request may be denied. (§47-301.22)

036-8D ADDED 6/04

The applicant/recipient shall sign and return the informing notice to the county when the informing notice is provided (§47-301.26)

If the applicant/recipient refuses either verbally or in writing to sign and/or return the informing notice, the county shall document the refusal in the case file. A documented refusal shall have the same effect as a signature. (§47-301.271)

036-9 ADDED 6/04

The Trustline Registry system provides for criminal record clearance and substantiated child abuse report checks for child care providers who are exempt from licensing requirements and who care for children eligible for CalWORKs Stage One child care. Specified license exempt child care providers must apply for and be cleared through Trustline in order to receive payment for CalWORKs child care services. (§47-601)

036-9A ADDED 6/04

To be eligible for CalWORKs child care payment or reimbursement, all license-exempt child care providers shall apply for Trustline. The following are exempt from this requirement: aunts, uncles, grandparents, great grandparents, great aunts, and great uncles of the children in care, by blood, marriage or court decree; a public or private school or public recreation program, and all providers whose fees were reimbursed through income disregard prior to January 1, 1998 unless the provider begins to provide child care to an eligible family for which he were she has not provided care or there is a subsequent lapse in care. (§47-610)

036-9B ADDED 6/04

All families requesting license-exempt child care and who are subject to Trustline shall be provided a Trustline Registry application package, which includes a Trustline Registry application and a fingerprint card. The provider has no more than 28 calendar days in which to return completed application package to the California Child Care Resource and Referral Agency for processing. The county shall provide temporary child care and discontinue child care if the county is not notified that the Trustline Registry application

SHD Paraphrased Regulations - CalWORKs

030 Special Programs

was received by the 28th calendar day from the first day the CalWORKs child care benefits are provided. (§47-620.1)

036-10 ADDED 10/04

"Intercounty transfer" means the transfer of responsibility for determination and payment of Stage One child care services from one county to another. (§47-110(i)(1))

036-10A ADDED 10/04

"First county" means the county from which the client will move or has moved. (§47-110(f)(2))

"Second county" means the county to which the client will move or has moved to make his/her home. (§47-110 (s)(1))

036-10B ADDED 10/04

Upon notification of the CalWORKs child care client transferring to a new county, the first county shall inform the client in writing of the responsibility to apply for child care in the second county and the payment responsibility information specified in §47-310.3 in order to avoid a break in child care services.

The second county shall:

- Establish a child care case as soon as the client applies for and meets the child care eligibility requirements specified in §47-220 (working, participating in required WTW or other county approved activities and having no parent, legal guardian or adult AU member able and available to provide child care) regardless of the status of the cash aid transfer.
- Refer the child care case to the responsible agency if the second county determines that the child is eligible for State Two or Stage Three child care.
- Provide child care in Stage One until child care provided in Stage Two or Stage Three, unless the family is otherwise ineligible.

(§§47-310.1,.2)

036-10C ADDED 10/04

There shall be no delay in child care payments when the county receives from the client the necessary child care payment information including the number of hours of child care provided, cost per child as verified by the child care provider and a signed statement by the client and child care provider under penalty of perjury. (§§47-301.3, 47-420.21)

036-10D ADDED 10/04

When the client moves and is changing providers, the first county shall pay for child care through the last day the existing provider provides services. The second county shall become responsible to pay child care to the new provider regardless of the completion of a cash aid transfer period.

When the client moves and does not change providers, the first county shall continue to pay child care until the cash aid transfer period is completed, or sooner with mutual agreement between both counties. When the county is off cash aid, the first county shall continue to pay child care for up to 30 days from the date the client moves out of the

SHD Paraphrased Regulations - CalWORKs

030 Special Programs

county. At that time the second county assumes payment responsibility.

(§47-310.3)

036-11 ADDED 11/05

CDSS has established an optional Foster Parent Child Care program. The funds are Title IV-E funds for federally eligible child care as allowed by §475(4)(A) of the Social Security Act, 45 CFR 1355.20(a)(1) and Senate Bill 1612 (Statutes of 2004).

Funding for child care on behalf of non-federally eligible Foster Care children are county responsibility. There are no state funds for this program. Counties that choose to operate this program must follow standardized instructions.

(ACL 05-23, August 19, 2005)

037-1

Effective October 1, 1999, a separate State CalWORKs program for certain two-parent families was established, where neither parent is disabled (per §41-430), and both parents are not aided minors, and neither is head of the household. (All-County Letter No. 99-54, August 12, 1999)

037-2

In the separate State CalWORKs program for two-parent families, the same rules governing CalWORKs (e.g., income, resources, deprivation, WTW, time limits) apply. These families will remain eligible for FS and Medi-Cal. Their assistance aid code will be "35". (All-County Letter No. 99-54, August 12, 1999)